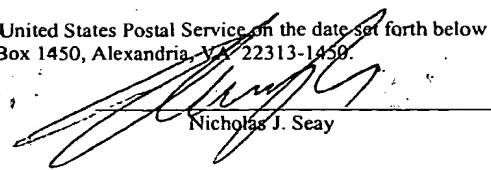


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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date of Signature and Deposit: May 27, 2003


Nicholas J. Seay



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard M. Amasino
Fritz M. Schomburg
Scott D. Michaels
David Patton

Date: August 2, 2001

Serial No.: 09/920,705

Art Unit: 1638

Filed: 08/02/2001

Examiner: Stuart F. Baum

For: FLORAL INDUCTION GENE

Docket: 960296.97214

RESPONSE

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JUN 02 2003

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

Dear Sir:

In response to an Office Action mailed March 26, 2003 in the file of the above-identified application, the applicant responds as follows:

This application contained a Requirement for Restriction. In response to that Requirement for Restriction, the applicant hereby elects Group I, although the applicant respectfully traverses this requirement.

The applicant was also required to elect a sequence for continued examination of the application. The applicant would like to elect SEQ ID NO:3. However, in order to comply with the Examiner's requirements for election of sequence, among a group which does not include SEQ ID NO:3, the applicant elects SEQ ID NO:2. Applicant asserts that it is entitled to a broader claim coverage.

First, the applicant wishes to traverse the requirement on the grounds that the claimed subject matter must never be searched as a whole. Please note that the classification cited for



the subject matter of both groups in the election requirement is the same class and subclass, class 800, subclass 290. Thus there is no additional burden on the Office to consider all these claims in a single examination. The search is identical. Accordingly, it is requested that this Requirement for Restriction be reconsidered and withdrawn.

Secondly, the applicant continues to a search that is entitled to claims broader than that reflected by claims limited to SEQ ID NO:2. In particular, even with the election of the genes which encode the FPA gene, the applicant's belief is it is entitled to claims that would encompass any nucleotide sequences which would express the protein of SEQ ID NO:3. Nevertheless, in order to be in complete compliance with the Examiner's requirement, the applicant has elected SEQ ID NO:2.

A one month extension of time is submitted herewith so that this Response will be considered as timely filed.

Respectfully submitted,

Nicholas J. Seay
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